

2000—Subsec. (b). Pub. L. 106-398 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “The President, by and with the advice and consent of the Senate, shall appoint the Chief of Army Reserve from officers of the Army Reserve not on active duty, or on active duty under section 10211 of this title, who—

“(1) have had at least 10 years of commissioned service in the Army Reserve;

“(2) are in grade of brigadier general and above; and

“(3) have been recommended by the Secretary of the Army.”

Subsec. (c). Pub. L. 106-398 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “The Chief of Army Reserve holds office for four years but may be removed for cause at any time. He is eligible to succeed himself. If he holds a lower reserve grade, he shall be appointed in the grade of major general for service in the Army Reserve. However, if selected in accordance with section 12505 of this title, he may be appointed in the grade of lieutenant general.”

1999—Subsec. (c). Pub. L. 106-65 inserted at end “However, if selected in accordance with section 12505 of this title, he may be appointed in the grade of lieutenant general.”

1996—Subsecs. (d) to (f). Pub. L. 104-201 added subsecs. (d) to (f).

1994—Subsec. (b). Pub. L. 103-337 substituted “10211” for “265”.

1986—Pub. L. 99-433, §501(a)(4), renumbered section 3019 of this title as this section.

Subsec. (c). Pub. L. 99-433, §502(g)(1), substituted “service” for “services”.

EFFECTIVE DATE OF 1999 AMENDMENT; APPLICABILITY TO INCUMBENTS

Pub. L. 106-65, div. A, title V, §554(g), (h), Oct. 5, 1999, 113 Stat. 617, provided that:

“(g) EFFECTIVE DATE.—The amendments made by this section [enacting section 12505 of this title and amending this section and sections 5143, 5144, 8038, and 10506 of this title] shall take effect 60 days after the date of the enactment of this Act [Oct. 5, 1999].

“(h) APPLICABILITY TO INCUMBENTS.—(1) If an officer who is a covered position incumbent is appointed under the amendments made by this section to the grade of lieutenant general or vice admiral, the term of service of that officer in that covered position shall not be extended by reason of such appointment.

“(2) For purposes of this subsection:

“(A) The term ‘covered position incumbent’ means a reserve component officer who on the effective date specified in subsection (g) is serving in a covered position.

“(B) The term ‘covered position’ means a position specified in section 12505 of title 10, United States Code, as added by subsection (a).”

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

EFFECTIVE DATE

Section effective on first day of first calendar month following date of enactment of Pub. L. 90-168, which was approved Dec. 1, 1967, see section 7 of Pub. L. 90-168, set out as an Effective Date of 1967 Amendment note under section 138 of this title.

§ 3039. Deputy and assistant chiefs of branches

(a) Each officer named in section 3036 of this title shall have, in addition to the assistants prescribed by subsections (b) and (c) and by section 3037 of this title, such deputies and assistants as the Secretary of the Army may prescribe. Each such deputy and assistant shall be

an officer detailed by the Secretary to that position from the officers of the Army for a tour of duty of not more than four years, under a procedure prescribed by the Secretary similar to that prescribed in section 3036 of this title.

(b) There is an Assistant Surgeon General appointed from the officers of the Dental Corps, as prescribed in section 3036 of this title. The Assistant Surgeon General is Chief of the Dental Corps and is responsible for making recommendations to the Surgeon General and through the Surgeon General to the Chief of Staff on all matters concerning dentistry and the dental health of the Army. An appointee who holds a lower regular grade shall be appointed in the regular grade of major general.

(c) There are two assistants to the Chief of Engineers appointed as prescribed in section 3036 of this title. An appointee who holds a lower regular grade shall be appointed in the regular grade of brigadier general.

(Aug. 10, 1956, ch. 1041, 70A Stat. 165, §3040; Pub. L. 95-485, title VIII, §805(a), Oct. 20, 1978, 92 Stat. 1621; renumbered §3039 and amended Pub. L. 99-433, title V, §502(f)(2), Oct. 1, 1986, 100 Stat. 1042.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---|--|
| 3040(a) | 10:21h(a). | June 28, 1950, ch. 383, §208 (less (c)), 64 Stat. 268. |
| 3040(b) | 10:21h(b). | June 3, 1916, ch. 134, §11 (18th through 25th words); restated June 4, 1920, ch. 227, subch. I, §11 (18th through 25th words), 41 Stat. 768. |
| 3040(c) | 10:181 (18th through 25th words). 10:181a (14th through 30th words). | June 26, 1936, ch. 839 (16th through 31st words), 49 Stat. 1974. |

In subsection (a), the words “in addition to the assistants prescribed by subsections (b) and (c) and section 3037 of this title” are substituted for the words “Except as prescribed in subsections (b) and (c) of this section”. The words “selected and”, “which procedure shall be”, and 10:21h(a) (last 21 words) are omitted as surplusage.

In subsection (b), the words “appointed from the officers of the Dental Corps” are substituted for the words “who shall be an officer of the Dental Corps, and who shall be selected and appointed”. The last sentence is substituted for the words “with the rank of major general”.

Subsection (c) is based on section 11 of the National Defense Act, as amended by the Act of June 26, 1936, ch. 839, 49 Stat. 1974 (10:181 and 181a), which provides for two assistants to the Chief of Engineers with the rank of brigadier general, and as impliedly amended by section 513(a) and 513(b) of the Officer Personnel Act of 1947 (10:559g), which provides the method of selection of assistant chiefs of branches, and prescribes that assistant chiefs be promoted to the grade held as such in the Regular Army if they hold a lower grade in the Regular Army. Section 404(f) of the Army Organization Act of 1950, 64 Stat. 274, exempts these two positions from the operation of section 208(a) of that act (10:21h(a)).

PRIOR PROVISIONS

A prior section 3039, act Aug. 10, 1956, ch. 1041, 70A Stat. 164, related to Inspector General and Provost Marshal General, prior to repeal by Pub. L. 99-433, §502(f)(1). See section 3020 of this title.

AMENDMENTS

1986—Pub. L. 99-433 renumbered section 3040 of this title as this section and substituted “section 3036” for “sections 3036 and 3039” in subsec. (a).

1978—Subsec. (b). Pub. L. 95-485 inserted provision establishing the Assistant Surgeon General as Chief of the Dental Corps and making him responsible for recommendations to the Surgeon General and through the Surgeon General to the Chief of Staff on all matters concerning dentistry and dental health of the Army.

[§ 3040. Repealed. Pub. L. 103-337, div. A, title IX, § 904(b)(1), Oct. 5, 1994, 108 Stat. 2827]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 159, § 3015; Aug. 6, 1958, Pub. L. 85-599, § 12, 72 Stat. 521; renumbered § 3040, Oct. 1, 1986, Pub. L. 99-433, title V, § 501(a)(1), 100 Stat. 1034; Sept. 29, 1988, Pub. L. 100-456, div. A, title XII, § 1234(a)(1), 102 Stat. 2059, related to National Guard Bureau, Chief of Bureau, appointment and acting Chief. See sections 10501, 10502, and 10505 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective at end of 90-day period beginning on Oct. 5, 1994, see section 904(d) of Pub. L. 103-337, set out as an Effective Date note under section 10501 of this title.

CHAPTER 307—THE ARMY

| Sec. | |
|----------------|---|
| 3061. | Regulations. |
| 3062. | Policy; composition; organized peace establishment. |
| 3063. | Basic branches. |
| 3064. | Special branches. |
| 3065. | Assignment and detail: officers assigned or detailed to basic and special branches. |
| [3066. | Repealed.] |
| 3067. | Army Medical Department. |
| 3068. | Medical Service Corps: organization; Chief and assistant chiefs. |
| 3069. | Army Nurse Corps: composition; Chief and assistant chief; appointment; grade. |
| 3070. | Army Medical Specialist Corps: organization; Chief and assistant chiefs. |
| [3071. | Repealed.] |
| 3072. | Judge Advocate General's Corps. |
| 3073. | Chaplains. |
| 3074. | Commands: territorial organization; engineer tactical units. |
| 3075. | Regular Army: composition. |
| [3076 to 3080. | Repealed.] |
| 3081. | Dental Corps: Chief, functions. |
| [3082. | Renumbered.] |
| 3083. | Public Affairs Specialty. |
| 3084. | Chief of Veterinary Corps: grade. |

AMENDMENTS

2002—Pub. L. 107-314, div. A, title V, § 504(b)(2), Dec. 2, 2002, 116 Stat. 2531, added item 3084.

1997—Pub. L. 105-85, div. A, title V, § 596(b), Nov. 18, 1997, 111 Stat. 1766, added item 3083.

1996—Pub. L. 104-201, div. A, title V, § 502(c)(1), Sept. 23, 1996, 110 Stat. 2511, substituted "Chief and assistant chief; appointment; grade" for "chief and assistant chief; appointment" in item 3069.

1994—Pub. L. 103-337, div. A, title X, § 1070(a)(16), title XVI, § 1672(b)(1), Oct. 5, 1994, 108 Stat. 2856, 3015, struck out items 3076 "Army Reserve: composition", 3077 "Army National Guard of United States: composition", 3078 "Army National Guard: when a component of Army", 3079 "Army National Guard of United States: status when not in Federal service", and 3080 "Army National Guard of the United States: authority of officers with respect to Federal status", struck out "3082." before "Army" in item 3082, and then struck out item 3082 "Army National Guard combat readiness reform: annual report".

1993—Pub. L. 103-160, div. A, title V, § 521(b), Nov. 30, 1993, 107 Stat. 1655, added item 3082.

1980—Pub. L. 96-513, title V, § 502(3), Dec. 12, 1980, 94 Stat. 2909, struck out item 3066 "Generals and lieutenant generals".

1978—Pub. L. 95-485, title VIII, §§ 805(b)(2), 820(b), Oct. 20, 1978, 92 Stat. 1622, 1627, struck out item 3071 "Women's Army Corps: Director; Deputy Director; other positions" and added item 3081.

1968—Pub. L. 90-329, June 4, 1968, 82 Stat. 170, substituted "Army Medical Department" for "Army Medical Service" in item 3067.

1967—Pub. L. 90-130, § 1(8)(D), Nov. 8, 1967, 81 Stat. 375, substituted "composition; chief and assistant chief" for "Chief" in item 3069.

1960—Pub. L. 86-603, § 1(2)(B), July 7, 1960, 74 Stat. 357, added item 3080.

1957—Pub. L. 85-155, title I, § 101(3), Aug. 21, 1957, 71 Stat. 376, substituted "Army Medical Specialist Corps" for "Women's Medical Specialist Corps" in item 3070.

§ 3061. Regulations

The President may prescribe regulations for the government of the Army.

(Aug. 10, 1956, ch. 1041, 70A Stat. 165.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|--|
| 3061 | 10:16. | July 15, 1870, ch. 294, § 20, 16 Stat. 319; Mar. 1, 1875, ch. 115, 18 Stat. 337. |

The word "prescribe" is substituted for the words "make and publish". 10:16 (last 35 words) is omitted as surplusage.

§ 3062. Policy; composition; organized peace establishment

(a) It is the intent of Congress to provide an Army that is capable, in conjunction with the other armed forces, of—

- (1) preserving the peace and security, and providing for the defense, of the United States, the Commonwealths and possessions, and any areas occupied by the United States;
- (2) supporting the national policies;
- (3) implementing the national objectives; and
- (4) overcoming any nations responsible for aggressive acts that imperil the peace and security of the United States.

(b) In general, the Army, within the Department of the Army, includes land combat and service forces and such aviation and water transport as may be organic therein. It shall be organized, trained, and equipped primarily for prompt and sustained combat incident to operations on land. It is responsible for the preparation of land forces necessary for the effective prosecution of war except as otherwise assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Army to meet the needs of war.

(c) The Army consists of—

- (1) the Regular Army, the Army National Guard of the United States, the Army National Guard while in the service of the United States and the Army Reserve; and
- (2) all persons appointed or enlisted in, or conscripted into, the Army without component.

(d) The organized peace establishment of the Army consists of all—

- (1) military organizations of the Army with their installations and supporting and auxil-